



STAFF REPORT

Planning Commission

PC Date:	April 4, 2017	Case Planner:	Paul Workman
CC Date:	N/A		
Location:	Irondale Neighborhood		
Applicant:	Mid-Rail Real Estate, LLC 6000 Jensen Drive Houston, TX 77026	Owner: Address:	Same as applicant

Case Summary	
Request:	Planning Commission review of a PUD Concept Schematic for a rail served industrial park.
Project Description:	The applicant wishes to comprehensively develop rail served industrial property in the Irondale Neighborhood.
Discussion Topics:	<ul style="list-style-type: none"> Rail spur Landscape requirements Parcel ownership versus easements Road connectivity Lot size
Key Approval Criteria:	A PUD Concept Schematic is neither approved nor denied. Therefore, no formal action is required from the Planning Commission.
Staff Recommendation:	N/A
Current Zone District:	I-2, Adams County, and Commerce City PUD.
Comp Plan Designation:	General Industrial

Attachments for Review: *Checked if applicable to case.*

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|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> PUD Concept Schematic | |

Background Information

Site Information	
Site Size:	54+/- acres
Current Conditions:	Steel warehouse under construction and undeveloped land.
Existing Right-of-Way:	Ulster Street, E. 84 th Avenue, and E. 83 rd Avenue
Existing Roads:	Ulster Street, E. 84 th Avenue, and E. 83 rd Avenue
Existing Buildings:	A steel warehouse is under construction on the northern portion of the site
Site in Floodplain	No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Public	Commerce City Municipal Services Building	Public
South	N/A	Vacant	I-1
East	Residential & Industrial	Single-Family homes located in Adams County and the Burlington Northern Santa Fe Railroad	ADCO & I-2
West	Residential & Industrial	Single-Family homes located in Adams County, Single-Family homes in Commerce City, and industrial users	ADCO, I-1, & I-2

Case History

The relevant case history for the property is provided below.

Case	Date	Request	Action
AN-20-79	5/7/79	Annex 15+/- acres, including the subject property of this application south of E. 84 th Avenue.	Approved
Z-205-79	9/10/79	Zoned the subject property in AN-20-79 Agricultural after its annexation.	Approved
AN-65-85	12/2/85	Annex 97+/- acres, including the subject property of this application north of E. 84 th Avenue.	Approved
Z-358-85	12/16/85	Zone the west half of the subject property north of E. 84 th Avenue to I-1.	Approved
Z-391-86	3/17/86	Zone the east half of the subject property north of E. 84 th Avenue to Agricultural.	Approved
Z-716-99	12/6/99	Rezone the subject property of this application south of E. 84 th Avenue from Agricultural to I-2.	Approved with Conditions
Z-716-99-01	8/6/01	Amend a previous condition of Z-716-99.	Approved with Conditions
Z-929-16	3/7/16	Rezone 55+/- acres to I-2.	Approved
AV-1735-16	5/10/16	A front setback variance to increase the front setback.	Approved

AN-20-79:

- In May of 1979, City Council voted to annex 15+/- acres in the Irondale neighborhood. The subject property located south of E. 84th Avenue was included in this annexation.

Z-205-79:

- In September of 1979, City Council voted to zone the annexed property in AN-20-79 to Commerce City Agricultural.

AN-65-85:

- In December of 1985, City Council voted to annex 97+/- acres in the Irondale neighborhood. The subject property located north of E. 84th Avenue was included in this annexation.

Z-358-85:

- In December of 1985, City Council approved the annexation zoning (via AN-65-85) for the west half of the subject property north of E. 84th Avenue to I-1.

Z-391-86:

- In March of 1986, City Council approved the annexation zoning (via AN-65-85) for the east half of the subject property north of E. 84th Avenue to Agricultural.

Z-716-99:

- In December of 1999, City Council approved the rezoning of the subject property located south of E. 84th Avenue from Agricultural to I-2, subject to conditions. The conditions of the rezoning were based on the proposed development of the property for Mini Storage.

Z-716-99-01:

- In August of 2001, City Council approved an amendment to one of the zoning conditions from Z-716-99.

Z-929-16:

- In March of 2016, City Council approved a rezoning of 55+/- acres of the subject property to I-2.

AV-1735-16:

- In May of 2016, the Board of Adjustment approved an increase to the maximum front setback from 75-feet to 100-feet because of the size of the drainage pond along the front property line.

Development Review Team (DRT) Analysis

The following describes the proposed PUD Concept Schematic along with the Development Review Team's analysis. Staff will solicit feedback and comments from Planning Commission with regards to the PUD Concept Schematic.

PUD Concept Schematics

A PUD Concept Schematic is a generalized land use/site plan for an area proposed to be included within a future PUD Zone Document. It is the first step in the PUD process and it allows early, informal evaluation of a proposal before substantial expenses have been incurred. The PUD Concept Schematic provides City staff and the applicant an opportunity to determine the development's conformance with the Comprehensive Plan and the requirements of the Land Development Code (LDC), and assists the applicant in the preparation of a PUD Zone Document. Furthermore, a PUD Zone Document is used to comprehensively plan for and develop unique uses like a rail served industrial park. Planning Commission will have an opportunity to review the future PUD Zone Document and make comments and recommendations to City Council.

The Irondale Neighborhood

Prior to beginning the review of the request, the DRT felt it was important to put the Irondale neighborhood into context and understand some of the unique challenges that are present for development in the area. To start, the area of the City that is located north of E. 80th Avenue, south of E. 88th Avenue, east of the Union Pacific Railroad, and west the Burlington Northern Santa Fe Railroad is generally referred to as the "Irondale Neighborhood". Many of the challenges for development in this neighborhood date back to when the area was originally settled in 1889 as the Kibler Stone Works foundry, which closed in 1893. The original intent of this area was to surround the foundry with single-family homes that would supply the workforce. As part of this

original plan, the area was platted into residential lots (25' x 125') that were typical for that time. Once the foundry closed, there was no demand for housing and the area remained platted for small residential lots. The neighborhood remained mostly undeveloped until the 1970s when some development pressure began to impact the area due to the close proximity of transportation corridors. In large part, this area remains platted like it was in 1889 and the lack of development in the area from the late 1890's to the early 1970's has left the area with substandard infrastructure. The combination of platting issues (in terms of inadequate right-of-way for industrial development and property that has been consolidated outside of the plat process), the inadequate infrastructure, and the fact that this neighborhood is a patchwork of incorporated and unincorporated properties makes development in this area difficult. One way that these circumstances can be overcome is by private ownership purchasing large tracts of land and consolidating them through coordinated and master planned development patterns.

In order to identify key strategies for development in Irondale, the City has issued a Request for Proposals (RFP) for an Irondale Neighborhood and Infrastructure Plan. This plan will help identify future land use patterns, key infrastructure improvements, and connectivity within Irondale. The City anticipates this project to be completed in late 2017.

Project Details

The applicant describes the project as a rail-served multi-lot industrial project in the Irondale area of Commerce City that features large scale industrial, manufacturing, and distribution with outdoor storage and warehousing capabilities. Products are to be delivered and distributed by rail and by truck throughout the Denver Metropolitan area and the Colorado region.

Figure 1.1



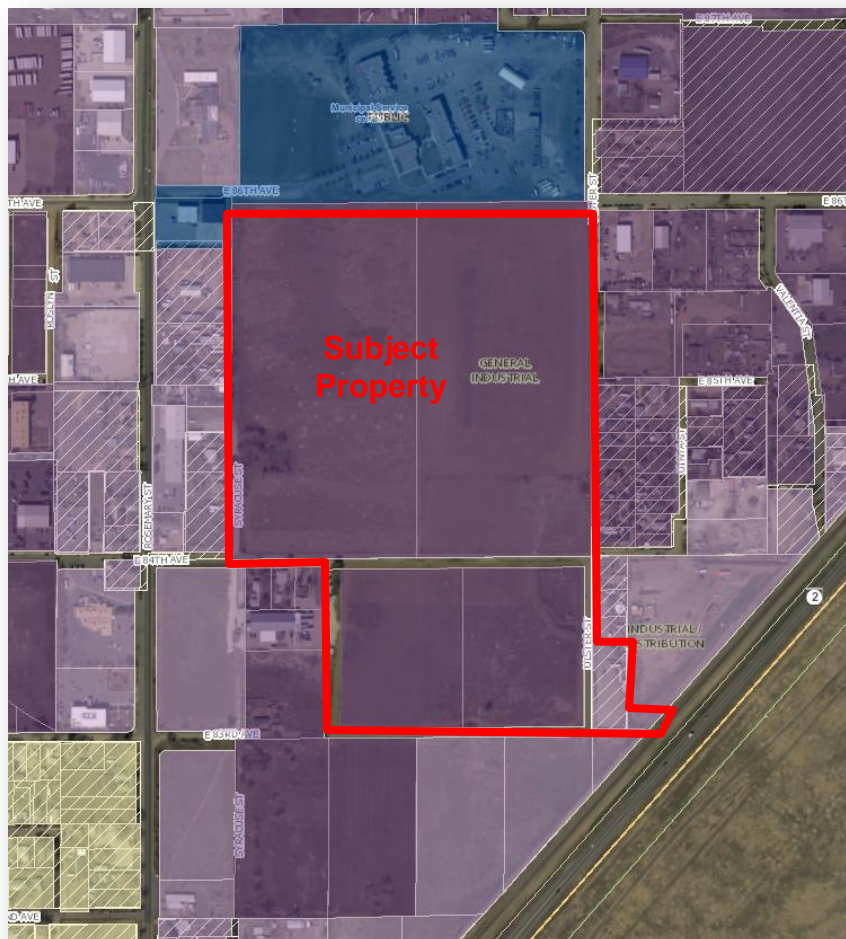
Proposed Uses

The applicant is proposing a modified version of the I-2 Medium Intensity Industrial Zone District. Specifically, the applicant is proposing to mirror the I-2 zoning designation found in the LDC, with the additional uses-by-right of fabricated metal product manufacturing; boiler tank and shipping container manufacturing; veneer, plywood, and engineering wood product manufacturing; railroad spur lines and rail transport support facilities including rail yards; and public uses for Tract A. Tract A will allow for public uses because the applicant and the South Adams County Fire District are currently negotiating the sale of this property for an expansion to the Fire District property to the west. The applicant's intent is to create an industrial development that is attractive to the market while not going to the full extent of allowing I-3 Heavy Intensity Industrial Zone District uses.

Comprehensive Plan

The majority of the subject property is designated for General Industrial uses with a portion of the property designated for Industrial Distribution uses. The General Industrial classification is intended for medium to heavy industrial uses (I-2 and I-3 zoning designations) and is generally accessed off of collector or arterial streets or highways and may have railroad access (Table 3.1 of the Comprehensive Plan). The Industrial Distribution classification is intended for light industrial uses (I-1 zoning designation) and is generally accessed off of arterial streets or highways or collectors via truck routes (Table 3.1 of the Comprehensive Plan). The request for I-2 type uses is consistent with the Future Land Use Plan for the areas designated for General Industrial uses and the areas with the Industrial Distribution designations will be where the rail spur is proposed and will not have other industrial uses. The DRT believes the request is consistent with the Future Land Use Plan.

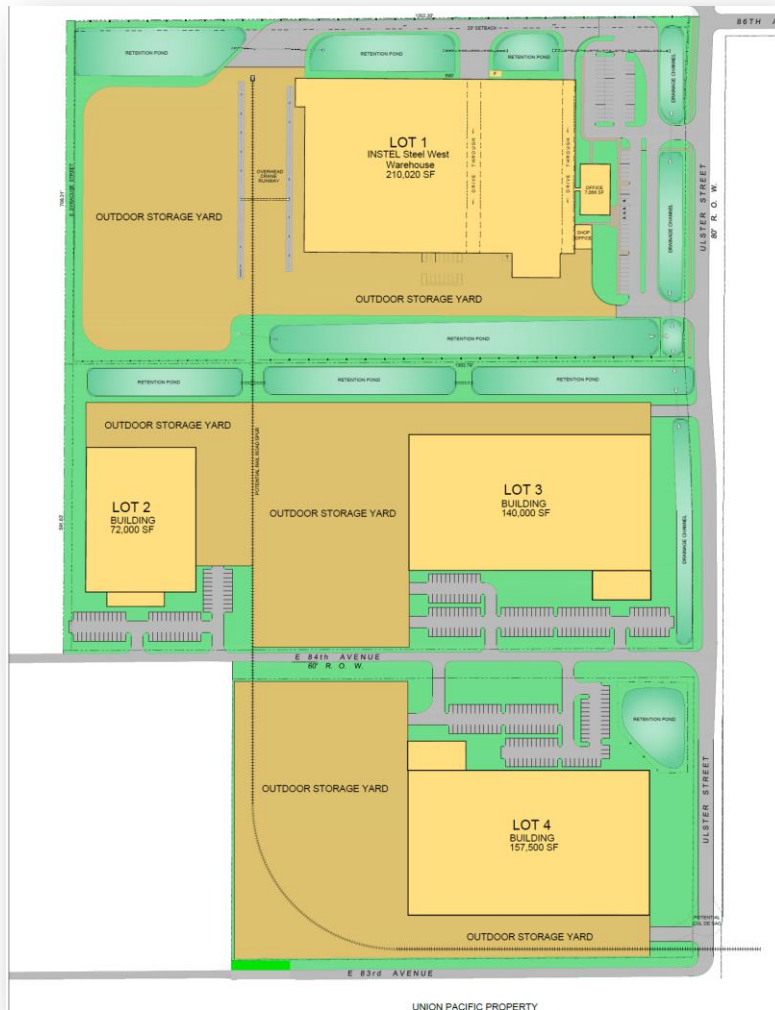
Figure 1.2



Proposed PUD Concept Schematic

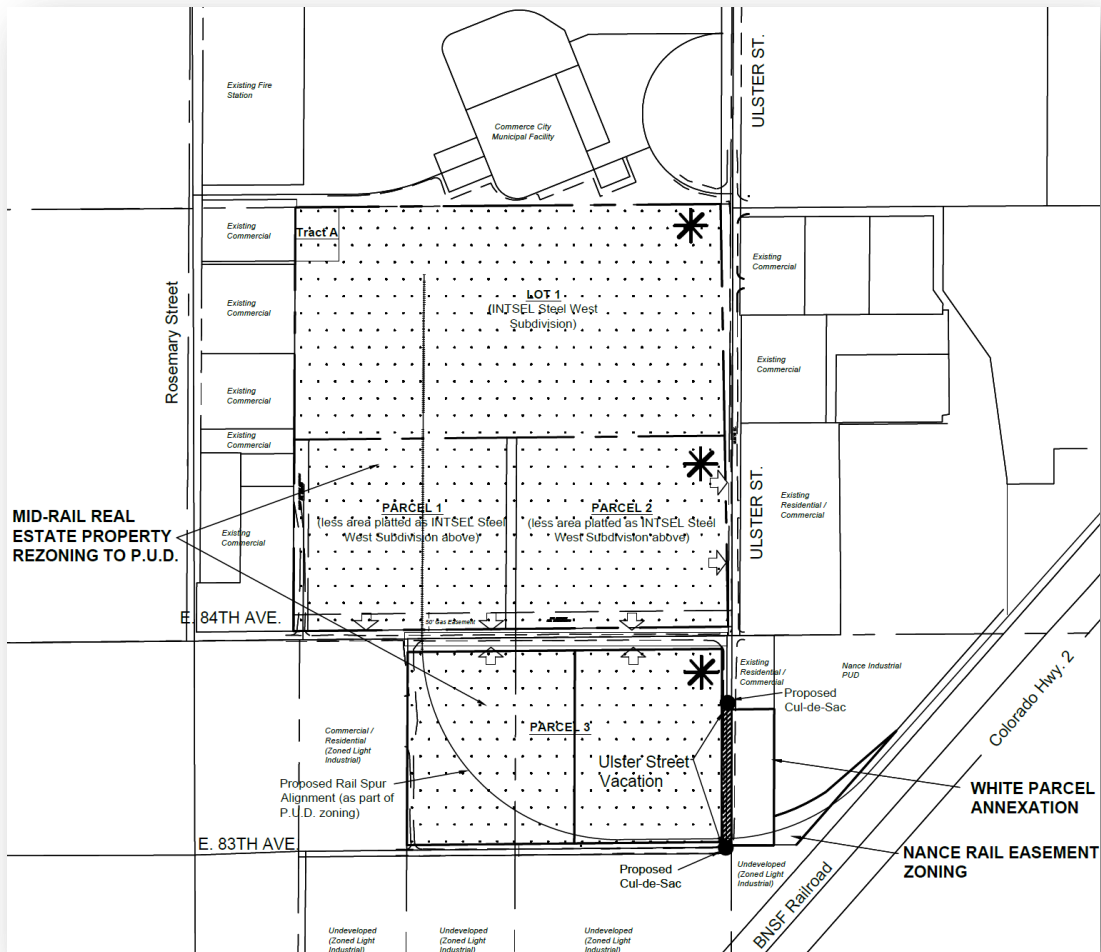
During the Planning Commission's review of the rezoning request in Z-929-16, the applicant provided a preliminary site plan for the subject property that provided the foundation for the PUD zone designation (Figure 1.3).

Figure 1.3



Since the approval of Z-929-16, the applicant has completed development plan and subdivision applications to begin construction on their new building at 8573 Ulster Street (Lot 1 in Figure 1.3), they have negotiated the purchase of the of the Unincorporated Adams County Parcel at the northeast corner of E. 83rd Avenue and Ulster Street, they have negotiated an easement agreement with the option to purchase the property at the southern end of Parcel 17210000025 (see *Easement Information* below for details), and they have begun design with the Burlington Northern and Santa Fe Rail Road (BNSFRR) to implement a rail spur on the subject properties. Through the acquisition of additional property and the design work with the BNSFRR the applicant has submitted the PUD Concept Schematic that is before the Planning Commission (Figure 1.4).

Figure 1.4



Bulk Standards:

The applicant is proposing that the bulk standards within the development be the same as the I-2 bulk standards except that there would be no maximum front setback, the maximum building height will be 60-feet, the minimum side yard setback would be increased, and the minimum lot size would be one acre.

The DRT feedback regarding the modified bulk standards is that there is value in modifying the setback requirements because the development will need to account for regional drainage. As evidenced by the approved Variance in AV-1735-16, the size of the regional drainage ponds are so large that modifying the setback requirements has validity. Additionally, the development is envisioned to accommodate large warehouse operations which may require taller buildings than would be standard in the I-2 zone district. The DRT would like to continue conversations with the applicant related to the minimum lot size to determine if one acre is an appropriate minimum lot size given that the development is intended to attract large users.

Landscaping:

As mentioned earlier, the applicant intends to develop the property for large scale industrial uses. Therefore, the applicant has proposed to modify the landscape standards for industrial properties. Of note, the applicant is proposing to modify the landscape requirements for tree-lawns, the minimum plant counts based on the overall landscape square footage, and the landscape requirements for detention/retention ponds. Specifically, the applicant has proposed that tree-lawns be required to have irrigated turf or 7 shrubs per 100 linear feet with mulch (the LDC standard is irrigated sod with trees every 40-feet), that the minimum plant counts based on the overall landscape area be 1 tree and 5 shrubs for every 1,200-square feet of landscape area (the LDC

standard for lots over 5 acres is 1 tree per 1,200-square feet and 1 shrub for every 300-square feet), and that detention/retention ponds be required to have 1 tree and 7 shrubs per 100 linear feet of pond perimeter (the LDC standard is 1 tree and 10 shrubs per 50-feet of pond perimeter).

The DRT understands that the applicant envisions large lot development for industrial users and is not opposed to tweaking the landscape requirements to accommodate large lots. However, the DRT has concerns related to not having trees in the tree-lawns. Due to the infrastructure circumstances of the Irondale neighborhood and the associated costs for improvements, perhaps modified landscape standards in this neighborhood are appropriate when they may not be in other neighborhoods that do not have the same infrastructure challenges. However, it is important to the DRT to maintain a strong street presence by having trees in the tree-lawns.

Connectivity:

The applicant has proposed to maintain the existing street network with one exception. That exception would be to vacate a portion of Ulster Street from E. 83rd Avenue to the north end of their property currently located in Unincorporated Adams County. The applicant has made this proposal in order to consolidate their property in this area and eliminate train impacts to the road network. The applicant is proposing to cul-de-sac E. 83rd Avenue where it currently meets Ulster Street in order to maintain access to the properties on the south side of E. 83rd Avenue and cul-de-sac Ulster Street at the north side of their property in Unincorporated Adams County in order to maintain access to the other property in Unincorporated Adams County. Additionally, the applicant has a hearing set with the Public Utilities Commission (PUC) in April to determine the appropriate railroad crossing requirements across E. 84th Avenue.

The DRT is not opposed to the proposed vacation of Ulster Street. The proposal maintains access for all properties in the area and would allow the applicant to consolidate their property.

Easement Information:

In order to plan for rail access for the development, the applicant has negotiated an easement across the southern end of Parcel 17210000025. The easement was negotiated with language that the applicant could purchase the easement property at a future date. The applicant negotiated the easement as opposed to purchasing the property at this time in order to comply with the City's subdivision regulations. Should the future PUD Zone Document allowing the rail spur be approved and the applicant exercise their option to purchase the easement property and consolidate it with the property to the west, the applicant would have assurance that they would be able to have rail access.

The DRT appreciates the applicant's desire to comply with the City's subdivision regulations. Should the future PUD Zone Document be approved, the DRT will recommend that the applicant exercise their option to own the easement property and consolidate it with the property to the west. If the applicant does not exercise this option, the easement property will be required to pursue a Conditional Use Permit (CUP) to allow the rail spur across the easement property.

Rail Spur:

As previously stated, the applicant intends to develop their property as a rail-served industrial park. The Land Development Code (LDC) requires any new rail spur to be approved through the CUP process. By having the rail spur approved as a use-by-right through a PUD Zone Document, the applicant and future users will have assurances that their need for rail will be accommodated.

The DRT is not opposed to the proposed rail spur as a use-by-right in order to give the property owner and future users assurances of rail access because the future PUD Zone Document will allow the development to be planned comprehensively and ensure that any potential adverse impacts related to the rail spur will be mitigated to the maximum extent feasible.

Infrastructure:

As previously eluded to, the infrastructure in Irondale is inadequate to accommodate new development. As portions of the subject property are developed, improvements will be made to things like streets, water lines, power, and drainage. While existing conditions do not meet the current standards of the City or the needs of the neighborhood, future development will make improvements that will benefit the subject property as well as the general neighborhood.

Fencing/Outdoor Storage:

The applicant is proposing an increased fencing height of 10-feet with the ability to have outdoor storage of 10-feet.

The DRT is not necessarily opposed to a fence height of 10-feet for interior side and rear property lines. However, the DRT believes that the fencing requirements for front yard fences and side and rear yard fences along rights-of-way remain as allowed in the LDC (6-feet). Additionally, the DRT believes that the height of outdoor storage should not exceed the height of the screen style fence unless allowed by the LDC.

PUD Process/Next Steps

1. PUD Concept Schematic
 - a. DRT Team analysis
 - b. Planning Commission review and comment
 - Current Application

2. PUD Zone Document
 - a. Planning Division works with applicant on PUD Zone Document material
 - b. DRT analysis of the PUD Zone Document
 - c. Applicant revises submittal as necessary until the document is ready for Public Hearing
 - d. PUD Zone Document is reviewed by Planning Commission at a public hearing and a recommendation is made to City Council
 - e. PUD Zone Document is reviewed by City Council at a public hearing and City Council votes to approve, approve with conditions, or deny the PUD Zone Document.

3. PUD Development Permit
 - a. Applicants submit PUD Development Permits for administrative review and approval

Planning Commission Feedback on Proposal

The PUD Concept Schematic does not necessitate action by the Planning Commission. The concept schematic is presented as an informational item so that the applicant has a clearer understanding of general direction. The Planning Commission is encouraged to comment on the concept schematic and provide vital feedback to the applicant. Of particular importance, the applicant and staff would like feedback on the following specific information:

- A. Proposed Uses
- B. The rail spur/ownership of the easement property
- C. Minimum lot size
- D. Modified landscape requirements
- E. The vacation of a portion of Ulster Street
- F. Fencing requirements